



General Assembly

January Session, 2013

***Raised Bill No. 6668***

LCO No. 4741



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING THE PENALTIES FOR CRIMES INVOLVING FIREARMS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53-202aa of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) A person is guilty of firearms trafficking if such person,  
4 knowingly and intentionally, directly or indirectly, causes one or more  
5 firearms that such person owns, is in possession of or is in control of to  
6 come into the possession of or control of another person who such  
7 person knows or has reason to believe is prohibited from owning or  
8 possessing any firearm under state or federal law.

9 (b) (1) Any person who violates any provision of this section shall  
10 be guilty of a class C felony if such person, on or after October 1, 2007,  
11 but prior to October 1, 2013, sells, delivers or otherwise transfers five  
12 or fewer firearms, and a class B felony if such person, on or after  
13 October 1, 2007, but prior to October 1, 2013, sells, delivers or  
14 otherwise transfers more than five firearms. (2) On and after October 1,

15 2013, any person who violates any provision of this section shall be  
16 guilty of a class B felony for which three years of the sentence imposed  
17 may not be suspended or reduced by the court, and ten thousand  
18 dollars of the fine imposed may not be remitted or reduced by the  
19 court unless the court states on the record its reasons for remitting or  
20 reducing such fine.

21 (c) For the purposes of this section, "firearm" means "firearm" as  
22 defined in section 53a-3, but does not include [a rifle or shotgun or] an  
23 antique firearm as defined in subsection (b) of section 29-37a.

24 Sec. 2. Section 53a-212 of the general statutes is repealed and the  
25 following is substituted in lieu thereof (*Effective October 1, 2013*):

26 (a) A person is guilty of stealing a firearm when, with intent to  
27 deprive another person of [his] such other person's firearm or to  
28 appropriate the [same to himself] firearm to such person or a third  
29 party, [he] such person wrongfully takes, obtains or withholds a  
30 firearm, as defined in subdivision (19) of section 53a-3.

31 (b) Stealing a firearm is a class [D] C felony for which two years of  
32 the sentence imposed may not be suspended or reduced by the court,  
33 and five thousand dollars of the fine imposed may not be remitted or  
34 reduced by the court unless the court states on the record its reasons  
35 for remitting or reducing such fine.

36 Sec. 3. Section 53a-217 of the general statutes is repealed and the  
37 following is substituted in lieu thereof (*Effective October 1, 2013*):

38 (a) A person is guilty of criminal possession of a firearm or  
39 electronic defense weapon when such person possesses a firearm or  
40 electronic defense weapon and (1) has been convicted of a felony, (2)  
41 has been convicted as delinquent for the commission of a serious  
42 juvenile offense, as defined in section 46b-120, (3) knows that such  
43 person is subject to (A) a restraining or protective order of a court of  
44 this state that has been issued against such person, after notice and an

45 opportunity to be heard has been provided to such person, in a case  
46 involving the use, attempted use or threatened use of physical force  
47 against another person, or (B) a foreign order of protection, as defined  
48 in section 46b-15a, that has been issued against such person in a case  
49 involving the use, attempted use or threatened use of physical force  
50 against another person, (4) knows that such person is subject to a  
51 firearms seizure order issued pursuant to subsection (d) of section 29-  
52 38c after notice and an opportunity to be heard has been provided to  
53 such person, or (5) is prohibited from shipping, transporting,  
54 possessing or receiving a firearm pursuant to 18 USC 922(g)(4). For the  
55 purposes of this section, "convicted" means having a judgment of  
56 conviction entered by a court of competent jurisdiction, and a motor  
57 vehicle violation for which a sentence to a term of imprisonment of  
58 more than one year may be imposed shall be deemed an unclassified  
59 felony.

60 (b) Criminal possession of a firearm or electronic defense weapon is  
61 a class [D] C felony, for which two years of the sentence imposed may  
62 not be suspended or reduced by the court, and five thousand dollars of  
63 the fine imposed may not be remitted or reduced by the court unless  
64 the court states on the record its reasons for remitting or reducing such  
65 fine.

66 Sec. 4. Section 53a-217c of the general statutes is repealed and the  
67 following is substituted in lieu thereof (*Effective October 1, 2013*):

68 (a) A person is guilty of criminal possession of a pistol or revolver  
69 when such person possesses a pistol or revolver, as defined in section  
70 29-27, and (1) has been convicted of a felony or of a violation of  
71 subsection (c) of section 21a-279 or section 53a-58, 53a-61, 53a-61a, 53a-  
72 62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d, (2) has been  
73 convicted as delinquent for the commission of a serious juvenile  
74 offense, as defined in section 46b-120, (3) has been discharged from  
75 custody within the preceding twenty years after having been found  
76 not guilty of a crime by reason of mental disease or defect pursuant to

77 section 53a-13, (4) has been confined in a hospital for persons with  
78 psychiatric disabilities, as defined in section 17a-495, within the  
79 preceding twelve months by order of a probate court, (5) knows that  
80 such person is subject to (A) a restraining or protective order of a court  
81 of this state that has been issued against such person, after notice and  
82 an opportunity to be heard has been provided to such person, in a case  
83 involving the use, attempted use or threatened use of physical force  
84 against another person, or (B) a foreign order of protection, as defined  
85 in section 46b-15a, that has been issued against such person in a case  
86 involving the use, attempted use or threatened use of physical force  
87 against another person, (6) knows that such person is subject to a  
88 firearms seizure order issued pursuant to subsection (d) of section 29-  
89 38c after notice and an opportunity to be heard has been provided to  
90 such person, (7) is prohibited from shipping, transporting, possessing  
91 or receiving a firearm pursuant to 18 USC 922(g)(4), or (8) is an alien  
92 illegally or unlawfully in the United States. For the purposes of this  
93 section, "convicted" means having a judgment of conviction entered by  
94 a court of competent jurisdiction.

95 (b) Criminal possession of a pistol or revolver is a class [D] C felony,  
96 for which two years of the sentence imposed may not be suspended or  
97 reduced by the court, and five thousand dollars of the fine imposed  
98 may not be remitted or reduced by the court unless the court states on  
99 the record its reasons for remitting or reducing such fine.

100 Sec. 5. Section 29-32 of the general statutes is repealed and the  
101 following is substituted in lieu thereof (*Effective October 1, 2013*):

102 (a) For the purposes of this section, "conviction" means the entry of a  
103 judgment of conviction by any court of competent jurisdiction.

104 (b) Any state permit or temporary state permit for the carrying of  
105 any pistol or revolver may be revoked by the Commissioner of  
106 Emergency Services and Public Protection for cause and shall be  
107 revoked by said commissioner upon conviction of the holder of such

108 permit of a felony or of any misdemeanor specified in subsection (b) of  
109 section 29-28 or upon the occurrence of any event which would have  
110 disqualified the holder from being issued the state permit or  
111 temporary state permit pursuant to subsection (b) of section 29-28.  
112 Upon the revocation of any state permit or temporary state permit, the  
113 person whose state permit or temporary state permit is revoked shall  
114 be notified in writing and such state permit or temporary state permit  
115 shall be forthwith delivered to the commissioner. Any law  
116 enforcement authority shall confiscate and immediately forward to the  
117 commissioner any state permit or temporary state permit that is  
118 illegally possessed by any person. The commissioner may revoke the  
119 state permit or temporary state permit based upon the commissioner's  
120 own investigation or upon the request of any law enforcement agency.  
121 Any person who fails to surrender any permit within five days of  
122 notification in writing of revocation thereof shall be guilty of a class [C]  
123 A misdemeanor.

124 (c) Any local permit for the carrying of a pistol or revolver issued  
125 prior to October 1, 2001, may be revoked by the authority issuing the  
126 same for cause, and shall be revoked by the authority issuing the same  
127 upon conviction of the holder of such permit of a felony or of any  
128 misdemeanor specified in subsection (b) of section 29-28 or upon the  
129 occurrence of any event which would have disqualified the holder  
130 from being issued such local permit. Upon the revocation of any local  
131 permit, the person whose local permit is revoked shall be notified in  
132 writing and such permit shall be forthwith delivered to the authority  
133 issuing the same. Upon the revocation of any local permit, the  
134 authority issuing the same shall forthwith notify the commissioner.  
135 Upon the revocation of any permit issued by the commissioner, the  
136 commissioner shall forthwith notify any local authority which the  
137 records of the commissioner show as having issued a currently valid  
138 local permit to the holder of the permit revoked by the commissioner.  
139 Any person who fails to surrender such permit within five days of  
140 notification in writing or revocation thereof shall be guilty of a class

141 [C] A misdemeanor.

142 Sec. 6. Subsections (h) and (i) of section 29-33 of the general statutes  
143 are repealed and the following is substituted in lieu thereof (*Effective*  
144 *October 1, 2013*):

145 (h) If the court finds that a violation of this section is not of a serious  
146 nature and that the person charged with such violation (1) will  
147 probably not offend in the future, (2) has not previously been  
148 convicted of a violation of this section, and (3) has not previously had a  
149 prosecution under this section suspended pursuant to this subsection,  
150 [it] the court may order suspension of prosecution. The court shall not  
151 order suspension of prosecution unless the accused person has  
152 acknowledged that he understands the consequences of the suspension  
153 of prosecution. Any person for whom prosecution is suspended shall  
154 agree to the tolling of any statute of limitations with respect to such  
155 violation and to a waiver of his right to a speedy trial. Such person  
156 shall appear in court and shall be released to the custody of the Court  
157 Support Services Division for such period, not exceeding two years,  
158 and under such conditions as the court shall order. If the person  
159 refuses to accept, or, having accepted, violates such conditions, the  
160 court shall terminate the suspension of prosecution and the case shall  
161 be brought to trial. If such person satisfactorily completes his period of  
162 probation, he may apply for dismissal of the charges against him and  
163 the court, on finding such satisfactory completion, shall dismiss such  
164 charges. If the person does not apply for dismissal of the charges  
165 against him after satisfactorily completing his period of probation, the  
166 court, upon receipt of a report submitted by the Court Support  
167 Services Division that the person satisfactorily completed his period of  
168 probation, may on its own motion make a finding of such satisfactory  
169 completion and dismiss such charges. Upon dismissal, all records of  
170 such charges shall be erased pursuant to section 54-142a. An order of  
171 the court denying a motion to dismiss the charges against a person  
172 who has completed his period of probation or terminating the  
173 participation of a defendant in such program shall be a final judgment

174 for purposes of appeal.

175 (i) Any person who violates any provision of this section shall be  
176 guilty of a class [D] C felony, except that any person who sells, delivers  
177 or otherwise transfers a pistol or revolver in violation of the provisions  
178 of this section [,] knowing that such pistol or revolver is stolen or that  
179 the manufacturer's number or other mark of identification on such  
180 pistol or revolver has been altered, removed or obliterated, shall be  
181 guilty of a class B felony for which three years of the sentence imposed  
182 may not be suspended or reduced by the court, and ten thousand  
183 dollars of the fine imposed may not be remitted or reduced by the  
184 court unless the court states on the record its reasons for remitting or  
185 reducing such fine, and any pistol or revolver found in the possession  
186 of any person in violation of any provision of this section shall be  
187 forfeited.

188 Sec. 7. Section 29-34 of the general statutes is repealed and the  
189 following is substituted in lieu thereof (*Effective October 1, 2013*):

190 (a) No person shall make any false statement or give any false  
191 information connected with any purchase, sale, delivery or other  
192 transfer of any pistol or revolver. Any person violating any provision  
193 of this subsection shall be guilty of a class [D] C felony for which three  
194 thousand dollars of the fine imposed may not be remitted or reduced  
195 by the court unless the court states on the record its reasons for  
196 remitting or reducing such fine.

197 (b) No person shall sell, barter, hire, lend, give, deliver or otherwise  
198 transfer to any person under the age of twenty-one years any pistol or  
199 revolver, except that a pistol or revolver may be temporarily  
200 transferred to any person only for the use by such person in target  
201 shooting or on a firing or shooting range, provided such use is  
202 otherwise permitted by law and is under the immediate supervision of  
203 a person eligible to possess a pistol or revolver. Any person violating  
204 any provision of this subsection shall be guilty of a class [D] C felony

205 for which one year of the sentence imposed may not be suspended or  
206 reduced by the court.

207 (c) Any pistol or revolver found in the possession of any person in  
208 violation of any provision of this section shall be forfeited.

209 Sec. 8. Section 29-36 of the general statutes is repealed and the  
210 following is substituted in lieu thereof (*Effective October 1, 2013*):

211 (a) No person shall remove, deface, alter or obliterate the name of  
212 any maker or model or any maker's number or other mark of  
213 identification on any firearm as defined in section 53a-3. The  
214 possession of any firearm upon which any identifying mark, number  
215 or name has been removed, defaced, altered or obliterated shall be  
216 prima facie evidence that the person owning or in possession of such  
217 firearm has removed, defaced, altered or obliterated the same.

218 (b) Any person who violates any provision of this section shall be  
219 [fined not more than one thousand dollars or imprisoned not more  
220 than five years or both] guilty of a class C felony for which five  
221 thousand dollars of the fine imposed may not be remitted or reduced  
222 by the court unless the court states on the record its reasons for  
223 remitting or reducing such fine, and any firearm found in the  
224 possession of any person in violation of said provision shall be  
225 forfeited.

226 Sec. 9. Section 29-36i of the general statutes is repealed and the  
227 following is substituted in lieu thereof (*Effective October 1, 2013*):

228 (a) Any eligibility certificate for a pistol or revolver shall be revoked  
229 by the Commissioner of Emergency Services and Public Protection  
230 upon the occurrence of any event which would have disqualified the  
231 holder from being issued the certificate pursuant to section 29-36f.

232 (b) Upon the revocation of any eligibility certificate, the person  
233 whose eligibility certificate is revoked shall be notified in writing and



234 such certificate shall be forthwith delivered to the Commissioner of  
235 Emergency Services and Public Protection. Any person who fails to  
236 surrender such certificate within five days of notification in writing of  
237 revocation thereof shall be guilty of a class [C] A misdemeanor.

238 Sec. 10. Section 29-37j of the general statutes is repealed and the  
239 following is substituted in lieu thereof (*Effective October 1, 2013*):

240 (a) Any person who purchases a firearm, as defined in section 53a-3,  
241 pursuant to section 29-33, as amended by this act, or 29-37a with the  
242 intent to transfer such firearm to any other person who the transferor  
243 knows or has reason to believe is prohibited from purchasing or  
244 otherwise receiving such a firearm pursuant to section 29-33, as  
245 amended by this act, or 29-37a shall be [fined not more than one  
246 thousand dollars or imprisoned not more than five years or both]  
247 guilty of a class C felony for which five thousand dollars of the fine  
248 imposed may not be remitted or reduced by the court unless the court  
249 states on the record its reasons for remitting or reducing such fine.

250 (b) Any person prohibited from purchasing or otherwise receiving  
251 or possessing a firearm and who solicits, employs or assists any person  
252 in violating the provisions of subsection (a) of this section shall be  
253 guilty of a class [B misdemeanor. If the] D felony, except that if such  
254 person who is prohibited from purchasing or otherwise receiving or  
255 possessing a firearm obtains a firearm pursuant to a violation of  
256 subsection (a) of this section, [involves a transfer of more than one  
257 firearm,] such person shall be guilty of a class [A misdemeanor] C  
258 felony for which five thousand dollars of the fine imposed may not be  
259 remitted or reduced by the court unless the court states on the record  
260 its reasons for remitting or reducing such fine. Each transfer shall  
261 constitute a separate offense.

262 (c) Any person convicted of violating the provisions of subsection  
263 (a) or (b) of this section and who was convicted of a felony within the  
264 prior five-year period shall be guilty of a class [D] B felony for which

265 ten thousand dollars of the fine imposed may not be remitted or  
 266 reduced by the court unless the court states on the record its reasons  
 267 for remitting or reducing such fine.

268       Sec. 11. Subsection (b) of section 53-202g of the general statutes is  
 269 repealed and the following is substituted in lieu thereof (*Effective*  
 270 *October 1, 2013*):

271       (b) Any person who fails to make a report required by subsection (a)  
 272 of this section within the prescribed time period shall [commit an  
 273 infraction and be fined not more than ninety dollars] be guilty of a  
 274 class A misdemeanor for a first offense and be guilty of a class D  
 275 felony for any subsequent offense, except that, if such person  
 276 intentionally fails to make such report within the prescribed time  
 277 period, such person shall be guilty of a class C felony. Any person who  
 278 violates subsection (a) of this section for the first offense shall not lose  
 279 such person's right to hold or obtain any firearm permit under the  
 280 general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	53-202aa
Sec. 2	<i>October 1, 2013</i>	53a-212
Sec. 3	<i>October 1, 2013</i>	53a-217
Sec. 4	<i>October 1, 2013</i>	53a-217c
Sec. 5	<i>October 1, 2013</i>	29-32
Sec. 6	<i>October 1, 2013</i>	29-33(h) and (i)
Sec. 7	<i>October 1, 2013</i>	29-34
Sec. 8	<i>October 1, 2013</i>	29-36
Sec. 9	<i>October 1, 2013</i>	29-36i
Sec. 10	<i>October 1, 2013</i>	29-37j
Sec. 11	<i>October 1, 2013</i>	53-202g(b)

***Statement of Purpose:***

To increase certain criminal penalties related to firearms.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*